

Carter, A.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

and

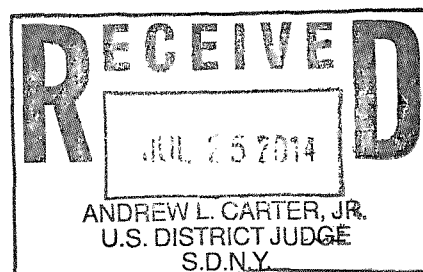
STATE OF NEW YORK,

*Plaintiffs,*

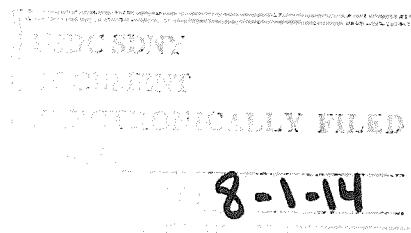
v.

TWIN AMERICA, LLC, *et al.*,

*Defendants.*



Civil Action No.  
12-cv-8989 (ALC) (GWG)



**~~PROPOSED~~ SECOND AMENDED ORDER AND STIPULATION CONCERNING THE  
FILING  
OF SUMMARY JUDGMENT AND DAUBERT MOTIONS**

Plaintiffs United States of America and State of New York (collectively "Plaintiffs") and Defendants Coach USA, Inc., International Bus Services, Inc., Twin America, LLC, CitySights LLC, and City Sights Twin, LLC (collectively "Defendants"), through their undersigned counsel, hereby stipulate to, and respectfully request that the Court Order, the following procedures with respect to various filings related to Defendants' motion for summary judgment and *Daubert* motions:

1. This Stipulation does not modify the current schedule in the Fourth Amended Scheduling Order (ECF No. 53) (the "Scheduling Order") or the Amended Order and Stipulation Concerning the Filing of Summary Judgment and *Daubert* Motions (ECF No. 87) (the "Amended Sealing Order") with respect to the briefing of summary judgment and *Daubert* motions (or any other deadline in the Scheduling Order).

2. Defendants emailed to the Court and Plaintiffs unredacted versions of their motion for summary judgment and *Daubert* motions (the “Motions”), memoranda in support thereof, and supporting declarations on Friday, June 20, 2014. Defendants hand-delivered to the Court and Plaintiffs unredacted copies of the exhibits attached to the supporting declarations on Monday, June 23, 2014.

3. The parties conferred on proposed redactions to Defendants’ Motions and exhibits, and Defendants submitted their Motion for Leave to File Under Seal on Monday, June 30, 2014 (ECF No. 84) along with their proposed redactions to their Motions and exhibits, except for certain documents still being negotiated by the parties as indicated in the motion (the “Outstanding Motion Documents”).

4. Plaintiffs emailed to the Court and Defendants unredacted versions of their oppositions to Defendants’ motion for summary judgment and *Daubert* motions (the “Oppositions”), memoranda in support thereof, and supporting declarations on Friday, July 18, 2014. Plaintiffs hand-delivered to the Court and Defendants unredacted copies of the exhibits attached to the supporting declarations on Monday, July 21, 2014.

5. The parties are in the process of conferring on proposed redactions to Plaintiffs’ Oppositions and exhibits, but anticipate being unable to complete that process and submit to the Court a motion to seal, along with proposed redactions, by the deadline in the Amended Sealing Order (July 28, 2014) due to the volume of materials.

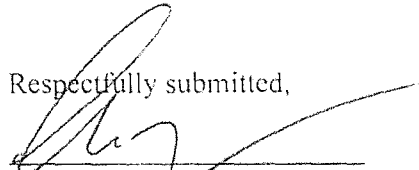
6. Pursuant to the Scheduling Order, Defendants’ summary judgment and *Daubert* reply briefs (the “Replies”) are due on Friday, August 1, 2014, and the Amended Sealing Order contemplates the parties conferring on proposed redactions to Defendants’ Replies and any

exhibits, and submitting to the Court a motion to seal, along with proposed redactions, by Monday, August 11, 2014.

7. Given the volume of materials contained in Plaintiffs' Oppositions and exhibits on which the parties need to confer, the Outstanding Motion Documents, and the upcoming discussions on redactions to Defendants' Replies and any exhibits, the parties request a modification of the current due dates to submit motions to seal and proposed redactions in connection with the Plaintiffs' Oppositions, Defendants' Replies, and the Outstanding Motion Documents. Thus, the parties shall confer on proposed redactions to Plaintiffs' Opposition Briefs and exhibits, Defendants' Replies and any exhibits, and the Outstanding Motion Documents, and submit to the Court a motion to seal, along with proposed redactions for all of these materials, by August 15, 2014.

Dated: July 25, 2014

Respectfully submitted,



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CitySights LLC and CitySights Twin, LLC*

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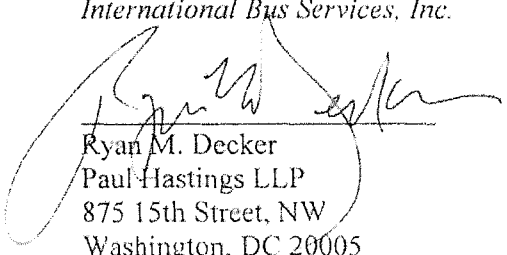
7. Given the volume of materials contained in Plaintiffs' Oppositions and exhibits on which the parties need to confer, the Outstanding Motion Documents, and the upcoming discussions on redactions to Defendants' Replies and any exhibits, the parties request a modification of the current due dates to submit motions to seal and proposed redactions in connection with the Plaintiffs' Oppositions, Defendants' Replies, and the Outstanding Motion Documents. Thus, the parties shall confer on proposed redactions to Plaintiffs' Opposition Briefs and exhibits, Defendants' Replies and any exhibits, and the Outstanding Motion Documents, and submit to the Court a motion to seal, along with proposed redactions for all of these materials, by August 15, 2014.

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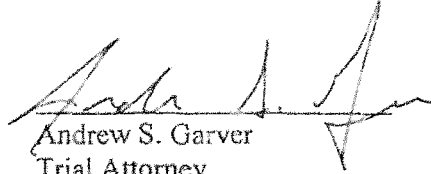
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SO ORDERED: August 1, 2014



HONORABLE ANDREW L. CARTER  
UNITED STATES DISTRICT JUDGE